

The Santa Fe Convention: A 20th Century Convention of States

For over 300 years, American states (and before Independence, American colonies) have cooperated with each other as equal sovereigns to address common problems.

One device for doing so is the formal, diplomatic meeting of state delegations (called “committees”) consisting of delegates (called “commissioners”). Meetings of state commissioners may be bilateral—as when two states form a boundary commission to resolve a boundary dispute. Such gatherings also may be multilateral—that is, with three or more state committees participating. The usual label for a multi-state meeting is *convention*.

Most commentators on the Constitution have shown no familiarity with any multi-state conventions other than the 1787 Constitutional Convention and (sometimes) the Annapolis Convention held the previous year. Some opponents of the Article V “convention for proposing amendments” have even argued that the 1787 gathering is our only historical precedent.

The truth is dramatically different. Far from the 1787 Philadelphia convention being unique, at the time it was more like business as usual. [Over the previous century, there had been more 30 conventions among colonies and states. The Constitutional Convention was the 11th held since Independence had been declared in 1776. Others had been held in Providence \(twice\), York Town, PA \(1777\), Springfield \(1777\), Hartford \(twice\), New Haven \(1778\), Philadelphia \(1780\), Boston \(1780\), and Annapolis \(1786\).](#)

After the Constitution was adopted the states met less frequently, but they did continue to meet. The New England states convened in Hartford, Connecticut in 1814. The Southern states gathered in Nashville, Tennessee in 1850. [And the states held a general convention—one to which every state was invited—in Washington, D.C. in 1861.](#) The Washington Conference Convention, as it was labeled, was called to propose to Congress a constitutional amendment to ward off Civil War. It did produce such an amendment, but Congress failed to act on it.

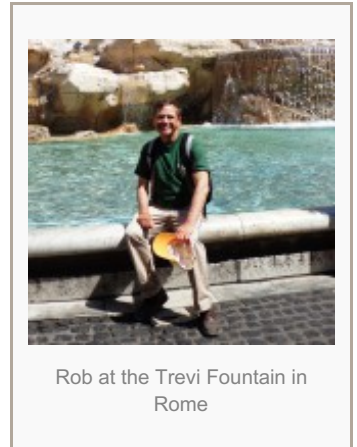
There was at least one more recent gathering as well. In 1922, seven southwestern states sent commissioners to negotiate the Colorado River Compact. Although the assembly was called the Colorado River Commission, it was in all respects a convention of states, and it may be called the “Santa Fe Convention,” after the city where its most important sessions were held.

The group convened 27 times over the course of a single year. The first seven sessions occurred in Washington, D.C., the eighth in Phoenix, the ninth in Denver, and the remaining 18 in Santa Fe.

The convention consisted of seven commissioners, one from each participating state. This made it one of the smaller interstate conventions, but by no means the smallest. The group decided to include a federal representative, Secretary of Commerce Herbert Hoover—then perhaps the best known and most highly-regarded engineer in the world. Including a federal representative was advisable because, unlike proposed constitutional amendments, interstate compacts must be approved by Congress.

However, inclusion of a representative of another sovereignty in a multi-state convention was well-precedented: several inter-colonial conventions had included commissioners from the British Crown or from sovereign Indian tribes.

The Colorado River Commission followed all the principal rules for a convention of states:



Rob at the Trevi Fountain in Rome

- * Each state had one vote;
- * The convention decided on its own procedures;
- * The convention elected its own officers—a chairman who was a commissioner and a secretary who was not;
- * After the initial call, the convention controlled the time and place of meeting;
- * The commissioners stayed within their prescribed agenda; and
- * They produced a recommendation ultimately ratified by the participating states.

There also were three more unusual aspects. First, because of the special needs of interstate compacting, the group adopted a unanimous voting rule. By unanimous vote, they later changed this temporarily, allowing approval of resolutions by a majority of states. Second, the convention adjourned for weeks at a time to allow the technical staff to do its work. This was not unprecedented: The Nashville Convention first met in June, 1850 and then adjourned to November. Finally, the convention decided to rotate its meetings among several different cities.

Most importantly, the Santa Fe gathering provides us with yet another, relatively recent, instance of sovereign American states meeting in convention.

[For those interested, I have posted the minutes of the Colorado River Commission here.](#)

NB: Thanks to [Nick Dranias](#) of the Goldwater Institute for his insights into interstate-compact negotiation process. They were helpful in preparing this post. Also, thanks to Peg Brady for her research.

Comments